PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hiroyuki MOCHIZUKI et al.

Group Art Unit: 1794

Application No.: 10/572,643

Examiner: M. NELSON

Filed: March 20, 2006

Docket No.: 127380

For: ORGANIC ELECTROLUMINESCENT ELEMENT AND MANUFACTURING METHOD THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 23, 2008 Restriction Requirement, Applicant provisionally elects Group I, claims 1-4 and 6-13, with traverse.

Applicants respectfully submit that there exists a *priori* unity of invention with respect to claims 1-4 and 6-13 of Group I with claim 5 of Group II. For the present application, a lack of unity of invention may only be determined *a posteriori*, or in other words, after a search of the prior art has been conducted and it is established that all the elements of the independent claims are known. *See* ISPE 10.07 and 10.08. All of the claims share the same or corresponding special technical feature for the reasons below.

The Restriction Requirement asserts that the present claims fail to define a contribution over U.S. Patent 7,098,060 to Yu et al. (herein "Yu"), wherein absent is a special technical feature. Yu is asserted by the Restriction Requirement to disclose an organic electroluminescent element containing a π-conjugated organic polymer (CN-PPP) with a

green dopant molecule deposited by vapor deposition with diffusion of the dopant into the polymer host. Applicants respectfully disagree.

The invention of claims 1-13 are distinctly different from the vapor deposition of Yu because Yu fails to disclose, suggest or teach a method in which a dye and/or charge transport material is converted to gas molecules, and then caused to contact and penetrate the π-conjugated organic polymer compound as claimed. Applicants assert the Restriction Requirement is improper on the grounds that the Restriction Requirement has failed to demonstrate that claims of Groups I and II lack the same or corresponding special technical feature. Therefore, the claims of Groups I and II relate to a single general inventive concept under PCT Rule 13.1.

The Office Action does not establish that each and every element of claim 1 when compared to claim 5 is known in the prior art. Further, no burden of search has been clearly established based upon the limitations found in claims 1 and 5. Therefore, Applicants respectfully submits that lack of unity of invention has not been established, and thus a Restriction Requirement at this time is improper.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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JAO:JSA/sxl

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